

78B-6-1404 Procedures.

- (1) On the filing of a motion for judgment on the pleadings:
 - (a) all discovery shall be stayed pending resolution of the motion unless the court orders otherwise;
 - (b) the trial court shall hear and determine the motion as expeditiously as possible with the moving party providing by clear and convincing evidence that the primary reason for the filing of the complaint was to interfere with the first amendment right of the defendant; and
 - (c) the moving party shall have a right to seek interlocutory appeal from a trial court order denying the motion or from a trial court failure to rule on the motion in expedited fashion.
- (2) The court shall grant the motion and dismiss the action upon a finding that the primary purpose of the action is to prevent, interfere with, or chill the moving party's proper participation in the process of government.
- (3) Any government body to which the moving party's acts were directed or the attorney general may intervene to defend or otherwise support the moving party.

Renumbered and Amended by Chapter 3, 2008 General Session